

11543. Adulteration and misbranding of canned oysters. U. S. v. 6 Cases of Canned Oysters. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17324. I. S. No. 3326-v. S. No. E-4321.)

On March 6, 1923, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 cases of canned oysters, remaining in the original unbroken packages at Rome, Ga., alleging that the article had been shipped by the Shelmore Oyster Products Co., from Charleston, S. C., on or about November 13, 1922, and transported from the State of South Carolina into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Crystal Bay Brand * * * Contains 5 Oz. Oyster Meat Oysters Packed Fresh From Oyster Beds Of The Atlantic."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the label on the can containing the article bore the statement, "Crystal Bay Brand * * * Contains 5 Oz. Oyster Meat Oysters," which statement was false and misleading and deceived and misled the purchaser into the belief that each of the said cans contained 5 ounces of oyster meat, whereas, in truth and in fact, the said cans did not each contain 5 ounces of oyster meat, but did contain a materially less quantity than 5 ounces of the said product. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled "Slack Filled. Contents 4½ Ozs. Oyster Meat" and sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11544. Adulteration of tangerines. U. S. v. 150 Boxes of Tangerines. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 17328. I. S. No. 6649-v. S. No. C-3910.)

On February 7, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 150 boxes of tangerines, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Polk Co. Citrus Sub-Exchange (Florida Citrus Exchange), from Florence Villa, Fla., on or about February 1, 1923, and transported from the State of Florida into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box) "Yankee Boy Tangerine * * * Florida Citrus Exchange;" (wrapper) "Sealdsweet * * * Florida Citrus Exchange, Citrus Exchange Building, Tampa, Florida."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in large part of a filthy, decomposed, and putrid animal or vegetable substance.

On March 1, 1923, the owner of the property having appeared and admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11545. Misbranding of Plough's Prescription C-2223. U. S. v. 1 Package and 1 Package of Plough's Prescription C-2223. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17363. I. S. No. 4880-v. S. No. C-3947.)

On or about April 7, 1923, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 packages, each containing 12 bottles of Plough's Prescription C-2223, remaining in the original unbroken packages at Evansville, Ind., alleging that the article had been shipped by the Plough Chemical Co., Memphis, Tenn., in two consignments, and received by the consignee on or about

November 20, 1922, and January 24, 1923, respectively, and that it had been transported from the State of Tennessee into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "A Blood Purifier Recommended For Treatment of Rheumatism * * * In severe cases, take * * * until relieved;" (carton) "Blood Purifier Recommended for disorders caused by impure blood as Eczema, Chronic Sores and constitutional blood diseases. Rheumatism * * * Sciatica, Lumbago, Lamé Back, Uric and Lactic Acid Conditions;" (circular) "A Reliable Blood Purifier A Treatment for Rheumatism * * * Sciatica, Lumbago, Lamé Back, Blood Disorders Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood. * * * In the treatment of Scrofula, Rheumatism, certain Catarrhal Conditions, Hereditary Blood Taints, Diseases of the Bones, Ulcerous Sores, Prescription C-2223 has been recommended and used for many years. Helpless, unhappy persons who had given up all hope of relief, have found in this Blood Purifier a means of relief. Men, women and even children, whose energy has been sapped and their life almost wrecked, who were troubled with festering sores or tortured with rheumatic pains, have been relieved from the grip of these diseases, after the continued use of or treatment with Prescription C-2223. * * * for any trouble due to poisoned or tainted blood, get you a bottle of Prescription C-2223. * * * 'In * * * conditions due to tainted blood, it acts as a specific.' * * * 'the most valuable remedy known in the treatment of rheumatism; it eases the pain, diminishes the fever—results are almost certain in acute * * * cases.' * * * Prescription C-2223 has relieved * * * many thousands, suffering from Rheumatism * * * Lumbago, Sciatica, diseases due to tainted or impure blood, evidenced by chronic Sores, Scrofula, Eczema and other similar conditions of the skin."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, colchicum extract, a trace of salicylic acid, glycerin, alcohol, and water, flavored with anise.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements with respect to the curative and therapeutic effects of the said article were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the results claimed.

On June 16, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11546. Misbranding of Plough's Prescription C-2223. U. S. v. 50 Bottles of Plough's Prescription C-2223. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17366. I. S. Nos. 11053-v, 11054-v. S. Nos. C-3934, C-3935.)

On March 16, 1923, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 bottles of Plough's Prescription C-2223, remaining unsold in the original unbroken packages at Oklahoma City, Okla., consigned in part June 5, 1922, and in part January 25, 1923, alleging that the article had been shipped by the Plough Chemical Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "A Blood Purifier Recommended For Treatment of Rheumatism * * * In severe cases, take * * * until relieved;" (carton, \$1 size) "Rheumatism * * * Sciatica, Lumbago, Lamé Back, Uric and Lactic Acid Conditions Blood Disorders Eczema, Chronic Sores and similar affections arising from bad blood;" (carton, 50-cent size) "Blood Purifier Recommended for disorders caused by impure blood as Eczema, Chronic Sores and constitutional blood diseases. Rheumatism * * * Sciatica, Lumbago, Lamé Back, Uric and Lactic Acid Condition;" (circular) "A Reliable Blood Purifier A Treatment for Rheumatism * * * Sciatica, Lumbago, Lamé Back, Blood Disorders Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood. * * * In the treatment of Scrofula, Rheumatism, certain Catarrhal Conditions, Hereditary Blood Taints, Diseases of the Bones, Ulcerous Sores, Prescription C-2223 has